

From: Larry Silver
To: Kyte, Larry; Tanaka, Joan
CC: Patterson, Leslie; Morris, James; Jennifer Graham Meyer
Sent: 6/27/2016 9:13:20 PM
Subject: South Dayton Dump & Landfill Site
Attachments: 6-27-16 L Silver letter to Tanaka, Kyte.pdf

Ms. Tanaka and Mr. Kyte,

I represent Hobart Corporation, Kelsey-Hayes Company and NCR Corporation, respondents to ASAO No. V-W-13-C-010 (EPA Region 5, 2013) and ASAO No. V-W-16-C-011 (EPA Region 5, 2016).

I am writing to follow up on our request to Jim Morris that EPA consider issuing a “participate and cooperate” unilateral administrative order to the Dayton Power and Light Company (DPL) to perform the RI/FS for OU1 and OU2 at the SDDL in conjunction with the 2016 ASAO. We request such an order. Even though DPL is by far the largest and most liable PRP and arranger for disposal at the Site, DPL has done nothing to further the cleanup at the Site; instead it has inhibited the progress of the work. Getting DPL to participate and pay its fair share at the Site is very important to my clients. We are confident that this goal is very important to EPA, as part of EPA’s mission, and we seek your assistance.

We also want to make sure that EPA is aware of the full story regarding DPL’s exceptional liability and intransigence. The attached letter summarizes DPL’s extensive involvement as a PRP at the Site. The exhibits to the letter will follow by mail with hard copy of the letter. We are also sending the exhibits as email attachments to Mr. Morris and Ms. Patterson.

We are requesting an in-person meeting with you to discuss this request. I will contact Mr. Kyte to set up a meeting.

Regards,

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